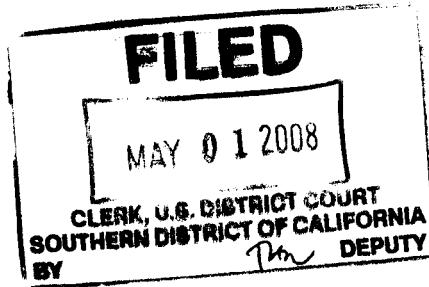


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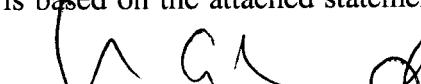
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Mag. Case No. **'08 MJ 8366**  
                                )  
                                Plaintiff,      ) COMPLAINT FOR VIOLATION OF:  
                                )  
                                v.                 ) Title 8, U.S.C., Section 1326  
                                ) Attempted Entry After Deportation  
                                Juan Antonio CALITO-Chitay,      )  
                                )  
                                )  
                                Defendant.      )

The undersigned complainant, being duly sworn, states:

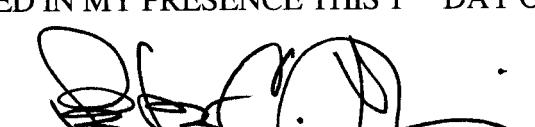
On or about April 30, 2008, within the Southern District of California, defendant Juan Antonio CALITO-Chitay, an alien who previously had been excluded, deported, and removed from the United States to ~~Nicaragua~~ Mexico was apprehended in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 1<sup>ST</sup> DAY OF  
MAY 2008.



PETER C. LEWIS  
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Juan Antonio CALITO-Chitay

4

5 STATEMENT OF FACTS

6

7 The complainant states that this complaint is based upon the statements of the  
8 apprehending Border Patrol Agent R. Harrington, that the Defendant was arrested on April 30,  
9 2008 east of Calexico, California.

10

11 BPA Harrington was performing his assigned Border Patrol duties approximately 3.5  
12 miles east of the downtown Calexico, California, Port of Entry. At approximately 9:00 p.m. the  
13 Remote Video Surveillance Systems (RVSS) Operators observed a group of individuals cross the  
14 United States/Mexico International Boundary by rafting across the All American Canal. The  
15 RVSS operator maintained constant visual of the group as they ran north into an agricultural  
16 field. Agent Harrington responded to the area. The RVSS operator guided Agent Harrington to  
17 the group's location. Agent Harrington found five subjects one later identified as, Juan Antonio  
18 CALITO-Chitay. Agent Harrington identified himself as a United States Border Patrol Agent  
19 and questioned him as to his immigration status. CALITO-Chitay stated that he was a citizen of  
20 Mexico illegally in the United States. CALITO-Chitay also admitted to entering the United  
21 States by crossing over the International Border. CALITO-Chitay was arrested and transported  
22 to the Calexico Border Patrol Station for further processing.

23

24 Record checks revealed that an Immigration Judge ordered CALITO-Chitay deported on  
25 October 22, 2006. Record checks also revealed CALITO-Chitay was not a citizen of Mexico,  
26 but a citizen of Nicaragua. Record checks revealed that CALITO-Chitay has an extensive  
27 criminal record.

28

29 There is no evidence CALITO-Chitay has sought or received permission from the  
Attorney General or the Secretary of the Department of Homeland Security to re-enter the United  
States.